

APPROVED: Meeting No. 35-80

ATTEST: *Helen M. Hennighan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 31-80

August 4, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, August 4, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilman John Freeland

Councilman John Tyner

ABSENT

Councilwoman Phyllis Fordham

The Mayor in the Chair.

In attendance: City Manager Larry Blick; Assistant City Manager Daniel Hobbs; Director of Public Works Robert Goodin; Information Officer Sue Patterson; Director of Finance John Lawton; Budget Director Anna Lee Berman; Director of Planning James M. Davis.

Re: City Manager's Report

Mr. Blick reported the following:

1. On September 18, at 8:00 p.m., there will be an Open House for the new residents of Rockville in the Council Chambers.
2. One hundred and thirty-four young golfers played in the Montgomery County Sentinel Tournament held at Redgate Golf Course last week. Tim Farrar became the Montgomery County Junior Champion.
3. One hundred and twenty-six letters and packets of information re City owned parcels of land in the Town Center, have been sent to developers, asking for expressions of interest by August 13. Advertisements have been inserted in various newspapers.

Re: Award of Contract: Bid No. 1-81,  
Pavement Patches

Bids were opened for the Fiscal Year 1981 Paving Patch Contract at 3:00 p.m., on Tuesday, July 22, 1980 in the Mayor and Council Chambers. Six bids were received, as follows:

H.M.F. Paving Contractors, Inc., Germantown, MD	\$ 82,436.25
Calcon Company, Inc., Gaithersburg, MD	89,028.00
F.O. Day Company, Inc., Rockville, MD	90,125.00
Rapp Contracting Inc., Beltsville, MD	91,865.00
Concrete General, Inc., Rockville, MD	101,550.00
Nazario Construction Co., Inc., Beltsville, MD	110,565.00
Budget Appropriation	90,000.00

This bid basically establishes unit prices, for use on an as needed basis, for the permanent repair of streets in connection with sewer and water repairs. The staff is familiar with the low bidder's qualifications. It is staff's recommendation to award the contract to the low bidder, H.M.F. Paving Contractors, Inc.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 1-81, Contract for Paving Patches, was awarded to the low bidder, H.M.F. Paving Contractors, Inc., in the amount of \$82,436.25.

Re: Award of Contract: Bid No. 2-81  
Concrete Maintenance

Bids were opened for the subject projects at 4:00 p.m., on Tuesday, July 22, 1980, in the Mayor and Council Chambers. Six bids were received as shown on the following tabulation:

CONTRACTOR	CONCRETE MAINTENANCE	CONGRESSIONAL LANE SIDEWALK	TOTAL
Nazario Const. Co., Beltsville, Md.	\$102,215.00	\$ 7,565.00	\$109,780.00
J. Palmeiro Constr. Inc., Rockville, Md.	107,475.00	5,540.00	113,015.00
Concrete General Co., Rockville, Md.	111,935.00	6,550.00	118,485.00
John F. McMahon Const. Co., Laurel, Md.	112,135.00	5,210.00	117,345.00
F.O. Day Company, Inc., Rockville, Md.	116,137.50	8,325.00	124,462.50
Rapp Contracting Inc., Beltsville, Md.	119,470.00	8,275.00	127,745.00
Engineer's Estimate	120,000.00	5,400.00	125,400.00
Budget Appropriation	127,000.00	5,600.00	-----

Concrete Maintenance Contract: This is the annual maintenance contract for the repair of concrete drive aprons, curbs, sidewalks and drainage systems at various locations throughout the City. The bid basically establishes unit prices to cover these various items, with the objective to complete as much work as possible with the available appropriation.

Congressional Lane Sidewalk: This is a special assessment project for the installation of a sidewalk on the North side of Congressional Lane which will complete a walkway connection between Jefferson Street and Rockville Pike. This

small sidewalk contract which is similar to the type of work in the Maintenance Contract, was included with the Maintenance Contract bid in order to obtain a reasonable response and cost.

It was noted in the bids that these contracts may not be awarded on the basis of a low aggregate total bid, staff reserved the right to split the award of the two projects.

As can be seen from the above table they are different low bidders for the two projects. It is the staff's recommendation that (a) award the Contract Maintenance to Nazario Construction Co., with instructions to the staff to utilize the full maintenance appropriation of \$127,000.00 and (b) award the Congressional Lane Sidewalk project to John F. McMahon Construction Company, Inc., in the amount of his bid of \$5,210.00.

Councilman Abrams asked if the bidders knew that the bids were separable. The City Manager said the bidders were informed that the bids were binding on each individual one.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 2-81, Concrete Maintenance Contract, was awarded to the low bidder, Nazario Construction Company, in the amount of \$102,215.00, and the Congressional Lane Sidewalk Contract was awarded to the low bidder, John F. McMahon Construction, Company, Inc., in the amount of \$5,210.00.

Re: Award of Contract: Bid No. 4-81  
Construction of Dover Road

Bids were opened for the construction of Dover Road at 3:00 p.m., on Monday July 28, 1980, in the Mayor and Council Chambers. Three bids were received as follows:

F.O. Day Co., Inc., Rockville, Maryland	\$696,820.00
Concrete General, Rockville, Maryland	793,886.00
A.H. Smith, Rockville, Maryland	847,124.00

Engineer's Estimate	\$845,000.00
---------------------	--------------

The Dover Road project includes widening of the existing roadway from Horners Lane to a point 1200 feet east and then continuing through open fields to connect to Gude Drive at a point approximately 1000 feet north of Southlawn Lane. The roadway will be 44 feet in width with curbs, gutters and storm drainage. There will be an eight foot wide bike path constructed on the north side of the street.

This project was authorized by the Mayor and Council on December 12, 1979, following a special assessment public hearing held November 19, 1979. It will be funded through the CDBG program and special assessment and general funds. The special assessment amount is to be established by preparation of before and

after appraisals, which will determine the value of the road improvements to the abutting properties.

Because of the urgent need for the roadway, there is a relatively tight contract completion date, which, if met, will allow the opening of the road during December 1980.

The F.O. Day Company is a long established, local construction firm, with a reputation for performing satisfactory work.

Staff recommends that the contract be awarded to the low bidder, F.O. Day Company, Inc., in the amount of their bid of \$696,820.00.

On motion of Councilman Freeland, duly seconded and unanimously passed, Bid No. 4-81, Dover Road Construction, was awarded to F.O. Day Company, Inc., in the amount of \$696,820.00.

Re: Preliminary Referral - Text Amendment  
T-28-79, Fordham Development Company

Text Amendment application, T-28-79, was filed in December 1979, proposing several amendments to the O-1, Office Zone which would change the O-1 Zone into a mixed-use zone similar to those in the new Town Center Performance District. After receiving an unfavorable recommendation from the Director of Planning, the Applicant requested, and was granted, a delay in preliminary referral by the Mayor and Council.

The Applicant has now requested that the amendments be modified so as to delete several of the more objectionable proposals, including parking reductions and multiple family dwellings; and, has requested that this item be referred to the Mayor and Council for preliminary disposition.

Although the Applicant has removed two major objectionable provisions, this amendment still goes beyond what staff considers to be a reasonable adjustment to the O-1 Zone in terms of the amount and kind of commercial uses proposed for inclusion in the predominantly office zone.

Councilman Tyner asked what changes the staff recommended for the O-1 zone during the public hearing. Mr. Davis explained that there are four items:

1. expansion of retail use from 15% to 25%;
2. make retail use more visible;
3. wholesale expansion of retail uses; and
4. parking reduction.

He further explained that Mr. Lynott's applicant has asked for deletion of parking requirements. Councilman Abrams asked if there is a specific site that the applicant is interested in. Mr. Davis said they are interested in the Fireman's Field lot,

which is a 6 acre tract currently zoned O-1 and the applicant would like it rezoned to C-2.

Councilman Tyner said he is not in favor of moving the application. Mayor Hanna said he agrees with Councilman Tyner and is not in favor of referring the application to the Planning Commission.

On motion of Councilman Tyner, duly seconded and unanimously passed, Mayor and Council dismissed Text Amendment Application, T-28-79, Fordham Development Company, Applicant, during its preliminary referral.

Re: Resolution: To Close Temporarily  
that portion of Westmore Road lying  
within the corporate limits of the  
City of Rockville.

Councilman Abrams asked that this item be held over one week and be placed on next week's agenda, because he has some questions. Mayor Hanna said that there is a heavy agenda for next week. Mr. Titus said that this was a "sooner the better" thing and it might be best to cover it during an executive session.

Mayor Hanna suggested that the remaining agenda items be finished, then the Council could convene in executive session, and then reconvene in general session to finish agenda item number 6 and correspondence and information items.

Re: Approval of testimony for State  
Highway Administration hearing on  
Falls Road interchange.

The State Highway Administration is sponsoring a public hearing on the Falls Road Interchange for Thursday, August 7, 1980, at 7:30 p.m. at the Julius West Middle School. There will be an informational display at 6:00 p.m., during which SHA staff will be available to describe the project and to answer questions.

Mayor Hanna said he would be giving the testimony on Thursday. Councilman Tyner asked Mr. Hobbs if he has gotten a confirmation from everyone who indicated that they would like to speak at the hearing. Mr. Hobbs said he has received confirmation from just about everyone but a few people who he will be calling.

On motion of Councilman Freeland, duly seconded, it was the consensus of the Council to approved the draft testimony for State Highway Administration hearing on Falls Road interchange.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Jackie Williams, recording secretary for the West End Citizens' Association. Mrs. Williams addressed the Mayor and Council regarding the Falls Road interchange and expressed the West End Citizens' Association's support of the interchange. Mayor Hanna said the City will work closely with the West End citizens and he said he appreciates their support for the Falls Road Interchange.

2. Ken Sullivan, 1988 Lancashire Drive. Mr. Sullivan said that the Potomac Woods citizens are concerned about the construction of Ritchie Parkway and the manner and quality in which it will be built. There are some tall trees that he would like to see saved from the path of the bulldozers. He said he has recently walked the route with a city inspector, and a slight deviance could be made so as to save the trees. He feels there should be a solid buffer of trees between the road and the neighborhood to protect the citizens from the noise.

Councilman Abrams asked Mr. Sullivan if he is speaking for himself or for the neighborhood. Mr. Sullivan said he is speaking for himself and his neighbors on Lancashire Drive and Stratton Drive.

3. David E. Betts. Mr. Betts said he has written a letter to the State indicating his approval of the Falls Road Interchange. Mr. Betts also briefed the Council on the history of the Rockville Academy.

Mayor Hanna thanked Mr. Betts for his very interesting story on the past of Rockville and he suggested a story be put in the newsletter and making it a part of the history project that the Humanities Commission will be undertaking in the near future. Mr. Betts said there is a lot of information available that tells what happened in Rockville years ago.

There being no other citizens wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Discussion of policy for deferring  
special assessments against farm  
land

Mr. Blick briefed the Council on the policy for deferring special assessments against farm land. Councilman Abrams said at the public hearing on Research Boulevard, the attorney representing the Thomas Farm asked if he could insert a memo into the record and Councilman Abrams also said he asked him if he would submit his ideas in the memo. Councilman Abrams asked if anything had been submitted.

Mr. Blick said he has not received anything, but he will follow up on it this week. Councilman Tyner said it must be clearly understood how the City is going to receive payment and how the fee will be handled. Mayor Hanna said he would like to see a system worked out so that the City could defer property taxes that would ordinarily go up; however, he stressed that the City has to be careful that its cash position is protected.

The Mayor and Council discussed with the City Attorney several different ways of deferring taxes. Mayor Hanna said he would like the City Attorney to put down in writing what the City would have to do to accomplish this.

On motion of Councilman Freeland, duly seconded and unanimously passed, Council agreed to adopt a policy which states that deferral of special assessments against property having a farm land exemption may be permitted, at the option of the property owner, and instructed the City Attorney to develop the appropriate Charter amendments and ordinances to accommodate such a policy.

Re: Selection of design firm for  
City identification project

The staff committee charged with the screening and recommending of a graphics firm to develop a community identity program for the City of Rockville has completed its work. The committee recommends that the City contract with Graham Associates of Washington, D.C. for Phase I of the Community Identity program.

If the Mayor and Council approve the staff recommendation of Graham Associates, and authorize the City Manager to contract with the firm for the City project, the next step will be for the staff committee to assist the consultants in their preliminary research, prior to beginning design work.

Mr. Blick informed the Council that this project was recently budgeted for promoting the Town Center Project and that Sue Patterson has a slide show presentation that will help show what this project will do. Sue Patterson presented the slide show to the Mayor and Council. Councilman Freeland said he concurs with the mixture of signage, coloring and lettering and is pleased with the material in the brief book. Councilman Tyner expressed his thoughts on color and logo and hopes that some flexibility in regard to type, size, and color schemes is maintained. Mayor Hanna said he would vote for it because it is needed.

On motion of Councilman Freeland, duly seconded and unanimously passed, Council authorized the City Manager to contract with Graham Associates, Inc., for Phase I of the City's identification project.

Re: Work Session with Planning Commission

(a.) Text Amendment Application (T-35-80)

Mr. Caban, Chairman of the Planning Commission, informed the Council that the Commission is split in their decision for the ratio of parking spaces for each dwelling unit. Mr. Davis explained the staff's conclusion and recommendation to the Planning Commission. He explained to the Council that the ordinance is now drafted with a one to three ratio with no variance involved. Mayor Hanna suggested establishing the ordinance with a variance and let the Planning Commission handle it. It should not go to the Board of Appeals.

Mayor Hanna and Councilmembers Freeland and Tyner said they would favor a one to four ratio. Councilman Steve Abrams said he would favor a one to five ratio. Mayor Hanna said to stay with a one to four ratio.

(b.) Prioritizing Text Amendments.

Mr. Blick said a new memo regarding text amendments is being handed out tonight because several of the text amendments have been handled.

Councilman Tyner said he agrees with the staff recommendation and suggests dismissing Text Amendment Applications, T-8-76, T-16-77 and T-17-78, since they are no longer applicable. Councilman Tyner also suggested dropping Text Amendment T-10-76. The Council agreed to dismiss the four text amendments.

Mr. Davis explained that T-37-80 is a house cleaning text amendment.

The Mayor and Council discussed at length with the Planning Commission the adding of an extra member to the Commission. Councilman Freeland suggested having six members on the Commission but only five voting members. He does not see the position as a floating member. Mayor Hanna said there should not be an alternate, whether or not that person is in attendance all the time, because the commission is so important. Councilman Abrams agreed. Mayor Hanna said it is the consensus of the Council not to go with an alternate.

Councilman Tyner asked what stage the tree preservation ordinance was in. Mr. Blick said the City Attorney has it.

(c.) Planning Matters

The Mayor and Council was informed that Mr. Pritchard will present the Annual Report of the Planning Commission at next week's Mayor and Council



meeting. The Commission reported that it is involved with neighborhood task forces; the sign ordinance is completed; and so is the Transportation System/Manual/Micro Plan).

Mayor Hanna thanked the Planning Commission for coming this evening.

Re: Executive Session

On motion of Councilman Freeland, the Council convened in Executive Session to discuss property disposition.

Re: Resolution: To Close Temporarily that portion of Westmore Road lying within the corporate limits of the City of Rockville.

On motion of Councilman Freeland, duly seconded and unanimously passed, Council rejected the resolution to close temporarily that portion of Westmore Road lying within the corporate limits of the City of Rockville.

Re: Correspondence

1. Peerless Rockville, re extension of Gude Drive  
Rick Schwartz, re extension of Gude Drive
2. Charles Frost, re thank you for assistance with beer and wine application
3. Montgomery County, re recommendations on Medical Center  
Councilman Freeland said he supports the idea of a citizens advisory group and requested that a group be created and also that the necessary steps are taken to keep all interested people informed. Mayor Hanna agreed.
4. B. Hamed, re closing of Westmore Road
5. Rockville Chamber of Commerce, re closing of Westmore Road
6. H. Marlin, re Swim Center program
7. K. Lechter, re Falls Road interchange

Re: FYI

1. Copy of letter from Twinbrook Neighborhood Planning Advisory Group to Housing Opportunities Commission re housing
2. Memo from Director of Public Works re First Street extension
3. Memo from Traffic Engineer re State Signal Projects  
Councilman Freeland noted that there is still no flashing light at the intersection.
4. Memo from Director of Planning re Ten Year Water and Sewer Plan
5. Memo re Hospitalization Coverage
6. Copy of letter to SHA from WMATA re B&O underpass (First Street)
7. Copy of letter and announcement of 8/5 meeting of Civic Federation re Falls Road interchange

Councilman Tyner said he hopes ~~that~~ Mike Gordon ~~or~~ Steve Fisher will attend the Falls Road meeting.

8. Status report from L & I re Community Enhancement Program

Councilman Tyner said it is a very comprehensive plan and he is interested to see community members involved. Mr. Blick said there have been less than a dozen complaints. A folder is being developed explaining the program and the grants involved.

9. Clarification of 7/15 report on returnable container legislation.

10. Lincoln Park Community Newsletter

Mayor Hanna said he is pleased with the newsletter and it should be helpful to the community.

Re: New Business

1. Mr. Abrams said he would like to have the City Attorney draft an additional provision into the condominium ~~legislation for~~ creative financing. Councilman Abrams explained his idea in detail. Mayor Hanna suggested that Councilman Abrams give his thoughts to the City Manager and let the City Manager report back to the Council with a memo. Mayor Hanna said if the idea is appropriate, Council should amend the condominium ordinance because it would be very complicated to incorporate it into the ordinance now. Mayor Hanna said he would like to see Mr. Abrams' proposal in writing.

2. Mr. Abrams informed the Council that on Friday, the Energy Citizen Advisory Committee (COG) is to hold a workshop on energy efficient homes and he thinks someone should look into it.

3. Mayor Hanna said he has received a People Power book from the White House and is going to leave it with the City Clerk if anyone is interested in reading it.

Re: Approval of Minutes: Meeting No. 28-80  
Meeting No. 29-80

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 28-80, July 14, 1980, were approved as amended.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 29-80, July 21, 1980, were approved as written.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at 11:10 p.m. to convene again on Monday, August 11, 1980, at 8:00 p.m., or at the call of the Mayor.